

JEROME FINDS A WORTHY FOE

Dr. Evans, the Expert,
Refuses to be Led On
to be Ensnared.

SPARKS FLY FAST ON CROSS-EXAMINATION

Thaw Writes Statement to the
Press—Says Evidence of His
Wife Is Wonderful—Dis-
trict Attorney Refuses
to Allow Mrs. Thaw
in Court.

NEW YORK, February 27.—Interest in the Thaw trial today centered in the manœuvres of District Attorney Jerome, who seemed to give further indication of his purpose in the near future to apply to the court for a commission in lunacy to report upon the present condition of the defendant's mind. The witness stand for the greater part of the day was occupied by Dr. Britton D. Evans, director of the New Jersey Hospital for the Insane at Morris Plains, N. J., an alienist for the defense, who was up for cross-examination. Mr. Jerome seemed to direct his efforts at getting from Dr. Evans information as to the exact recognized forms of insanity from which the expert declared Harry Thaw was suffering at the time of the "brain storm," which resulted in the killing of White. Dr. Evans had testified that in his will Thaw displayed evidences of a melancholic state of mind. The district attorney dwelt for an hour or more on the subject of melancholia, and then asked the expert if it was not true that in acute melancholia there is a recurrence of the affliction in at least one-third of all cases. Dr. Evans said there was.

Dr. Hamilton to be Called.
Jerome said he intended calling as a witness in rebuttal Dr. Allan MacLane Hamilton, the alienist who was first employed by the Thaw defense, but who has not heretofore figured in the trial. Dr. Hamilton recently returned from Europe, and in a published interview just after he landed was reported to have said that he came to the conclusion that Thaw was insane at the time of the tragedy, and that he was insane now. The district attorney then stated that he would call Dr. Charles F. Bingham of Pittsburgh, the Thaw family physician in rebuttal. Dr. Bingham was on the stand for a short while today, but Mr. Delmas objected when Mr. Jerome started into cross-examination of the physician as to insanity in the Thaw family on the ground that the witness had not qualified as an expert. Mr. Jerome thereupon told Dr. Bingham to hold himself in readiness to take the stand for the State.

"Wanted to Kill Him."
Dr. Bingham told today of visiting Thaw in the weeks during August last, when the prisoner seemed much depressed, and suffered from the delusion that a conspiracy had been formed against him, complaining that he was not allowed to put paper over the grating in his cell door because they "wanted the air to blow in and give him pneumonia," so he would die and his case never come to trial.

By recalling Mrs. Evelyn Nesbit Thaw to the stand for a few questions which he had omitted on his long cross-examination, Mr. Jerome early today indicated that he would call Dr. Bingham's brother, to contradict her in a matter of credibility. He asked Mrs. Thaw if she had not told her brother that Thaw had treated her cruelly while abroad because she refused to tell lies about Stanford White, and say he had drugged and mistreated her. He asked her to know if the brother had not bought her a pistol with which she might defend herself against Thaw. The defendant's wife denied absolutely that there was any truth in any of these statements, and said she had never owned or carried a revolver in her life.

Duel Between Jerome and Evans.
Mr. Delmas announced today that the defense would conclude its case this week. This, however, was upon the assumption that District Attorney Jerome would conclude his cross-examinations of Drs. Evans and Wagner today. Mr. Jerome, however, did not finish with Dr. Evans, and now will be recalled to-morrow morning. Dr. John T. Deemer, the physician to Mrs. William Thaw's family, will follow Dr. Evans, and then will come Dr. Wagner. After these have testified, Mr. William Thaw himself will take the stand, according to the present plans. The defense may, therefore, conclude by Monday or Tuesday of next week. Mr. Jerome moves for a lunacy commission. It is expected he will do so during the taking of the rebuttal testimony next week.

It was expected that Dr. Evans and Mr. Jerome would have a lively duel during the cross-examination of Dr. Evans, but there were only one or two clashes, in which the honors appeared to be about evenly divided. The examination dragged at times, and Mr. Jerome seldom raised his voice above the low, placid tone he so frequently assumes.

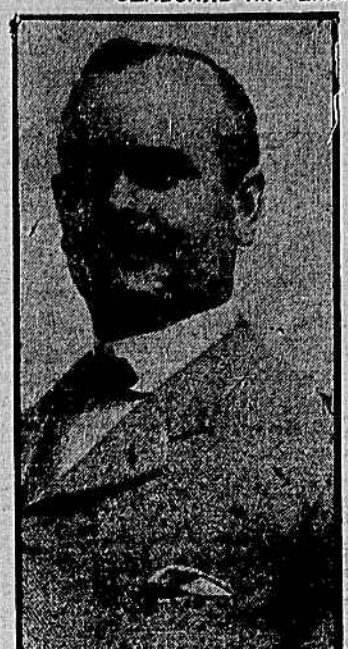
JEROME AND EVANS
HAVE DUEL OF WITS

Doctor Tells District Attorney
That Certain Matters Are
None of His Business.

NEW YORK, February 27.—After Mrs. Thaw and Dr. Bingham had testified briefly today, Dr. Britton D. Evans was called for cross-examination. Dr. Evans is one of the principal witnesses for the defense, and the district attorney set out to make his examination a most thorough one. Mr. Delmas was constantly on his feet with objections, which Justice Pitkin ruled in nearly every instance sustained. The judge further

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NEW HEAD OF THE SEABOARD AIR LINE



PRESIDENT W. A. GARRETT,
who succeeds the late Alfred Walter.

NEW YORK, February 27.—W. A. Garrett today was elected president of the Seaboard Air Line Railway, succeeding Alfred Walter, who died recently at his home in this city.

Mr. Garrett was born August 16, 1851, at Canton, Miss. He entered the railway service in 1876 as messenger in the ticket office of the Ohio and Mississippi Railway, since which he had been consecutively with the St. Louis Union Depot Company, as office messenger, clerk in car department, timekeeper, assistant paymaster, purchasing agent, superintendent's secretary (and assistant superintendent) from March, 1893, to January 1, 1895, he was superintendent of the Terminal Railroad Association; also terminal superintendent of the Wabash Railroad at St. Louis.

Mr. Garrett was later superintendent of the St. Louis Merchants' Bridge Railway. He became superintendent of the western division of the Wabash and held that position until 1899, when he became superintendent of the middle division of the same road.

In 1900, he became superintendent of the Philadelphia division of the Philadelphia and Reading and was later superintendent of the New York division of the same road.

EXONERATED BY VOTE OF 70 TO 40

Senator Bailey's Honor Is White-
washed by a Very Divided
Court.

AUSTIN, TEX., February 27.—By a vote of 70 to 40, out of a possible 128 votes, but the Bailey forces were exonerated by the lower house of the Texas Legislature, to-night, of charges of irregular acts in public life, as alleged by Representative Cooke, of the lower house.

On Monday, by a vote of 15 to 11, the Senate exonerated Senator Bailey without waiting to hear the report of the investigating committee, and to-night the House took like action to the extent of acting on the recommendation of a majority of the investigating committee, to take the complete exoneration without the submission of the evidence.

The opponents of Senator Bailey pleaded to have the evidence submitted before voting, but the Bailey forces forced a vote, and won exoneration.

Once Senator Bailey's exoneration was assured, the Senator addressed the House. He gave evidence of laboring under suppressed excitement any delivered himself of a speech decidedly emphatic in dealing with those who had seen fit to oppose him during the investigation.

Senator Bailey left at once for Washington to take the oath of office as Senator on March 4th, having been re-elected on January 22d.

NEGRO ATTEMPTS VICIOUS ASSAULT

Norfolk County Authorities in
Hot Pursuit of Man Who At-
tacked Schoolgirls.

NORFOLK, Va., February 27.—County officers are pursuing an unknown negro who attempted to assault two white schoolgirls this afternoon near Norfolk. One was the daughter of Captain Holmes, of Cape Henry Life-Saving Station.

The negro's purpose was the approach of a trolley car. J. B. House, its conductor, is a brother-in-law to the little Holmes girl. He beat the negro severely, but not knowing the seriousness of the negro's action, let him go. When the girls, who had boarded the car, told House of the entire affair, he gave an alarm.

If the negro is captured serious trouble may ensue.

DEADLOCK UNBROKEN IN RHODE ISLAND ELECTION

PROVIDENCE, R. I., February 27.—The State Legislature failed today to elect a United States Senator on the twenty-eighth ballot, the record for United States senatorial contests in Rhode Island. Thirty-two years ago General Ambrose E. Burnside on the twenty-eighth ballot defeated his seven opponents. The balloting to-day gave Colonel Goddard 41 votes; Colonel Colt, 37; Senator Wetmore, 30, and ex-Governor Utter, 1.

SULLY, THE COTTON KING, ILL WITH PNEUMONIA

NEW YORK, February 27.—Daniel J. Sully, the cotton broker, was ill with pneumonia at his apartments in Bayview at 300 West 11th street today. While his condition was reported to be serious, the crisis in his illness has not been reached.

Following a consultation of physicians to-night it was said that the condition of Daniel J. Sully was unchanged.

FISH REPLIES TO HARRIMAN

Defends His Position in
Management of the
Illinois Central.

ALTON MORTGAGED BEFORE COMPLETED

Comptroller Tells of Some Strange
Juggling With the Bonds
and Stocks of the Road.

Kahn, Like Harri-
man, Will Not
Answer.

WHAT FISH DID.
Mr. Harriman, asked what the acts of Stuyvesant Fish were, said that Fish had put \$500,000 of Illinois Central on deposit in the Trust Company of the Republic, of which he was a trustee. Mr. Harriman said he repeatedly asked the deposits of various banks in one instance to keep the bank out of bankruptcy, and used Illinois Central money for this purpose, and he seemed to look on the Illinois Central as his property.

He repeatedly made important contracts without the consent of the board. The removal of Fish, Mr. Harriman said, was the climax of very serious acts on the part of Fish.

WHAT HARRIMAN DID.
Mr. Harriman defended the ownership of the steamships Manchuria and Mongolia. He said the ships were put in his name merely for convenience. He took them in his name in order to facilitate their construction. The boats were always held in the interest of the Oregon Short Line.

In answer to a question, Mr. Harriman said that he had bought the ships before the board obtained authority from the directors.

NEW YORK, February 27.—Counsel for the government renewed their attack upon the financial methods of the Harriman group in the Chicago and Alton Railroad before the Interstate Commerce Commission late this afternoon, when they called Charles W. Hilliard, Comptroller of the Road, and became controllers in October last, when under the joint arrangement for the management of the property, the Rock Island took its turn.

Hilliard said that his first task was to find money to carry on the improvements that were under way. There was money in the treasury for current expenses, but not enough to carry on the improvements, which included a cut in thirty-four and a half miles of road from a point near Murrayville to Springfield.

There was not enough money to complete the building of this line, said the witness.

Mortgaged Before It Was Built.
"I looked into the question of raising money by mortgage," he continued, "and discovered that it had already been mortgaged."

"Do I understand that this road had been mortgaged before it was built?" asked Commissioner Lane.

"Yes, I was told that it was covered by a mortgage," he said, "and there was nothing that could be done except put a second mortgage on it, which would have been poor security," said Hilliard.

Mr. Kellogg then read the mortgage to show the line had been covered by it, and resuming, the witness said: "All the bonds were gone. I found from the books that the \$13,000,000 had never been paid for the bonds; that the \$10,000,000 had never been paid to Stanton for the stock; that the \$3,000,000 had never been paid to Stanton for the road, but the \$25,000,000 in bonds had been turned over to the syndicate, who delivered the stock and the road through the intermediary, Mr. Stanton."

Wanted to Know Price Paid.

The commission wanted to know what the bonds showed had been actually paid in connection with the handling of the property, but the witness declined to answer. The records of the session was adjourned until to-morrow.

Comptroller Hilliard will be recalled to-morrow, and it is expected that the hearing of the commission will be concluded about midday.

E. H. Harriman concluded his testimony at the morning session, and his examination brought forth nothing of special importance. He was succeeded by the stand of Otto H. Kahn, one of the leading members of the Harriman party, and a former director of the Union Pacific.

Kahn remained on the stand until mid-afternoon, and C. A. Severance, of counsel for the government, told of the reorganization of the Union Pacific.

What Commissions Earned.

There was special inquiry as to the commissions paid his firm and the interest relations of the firm, the witness and Jacob Schiff, with the Union Pacific. The witness said the firm had received a commission equal to five per cent. on the purchase of Southern Pacific, a commission of five per cent., which was divided with other underwriters, on the issue of Union Pacific convertible bonds at a reduction of five per cent. The witness apportioned the acts of his firm and cited instances where it had sold stocks to the Union Pacific at a figure below the current market. Before leaving the stand, Mr. Kahn made an extended defense of the Alton transaction based on the methods and conditions of the time.

Kahn Declined to Answer.

Before he left the stand Mr. Harriman again invoked the question of private business as against interstate commerce, and refused to answer interrogations as to his individual stock transactions, and Mr. Kahn refused to divulge anything regarding the business transactions undertaken by his firm in behalf of clients in or outside of the Union Pacific directorate. He urged the same objections made in behalf of Harriman, and added the special plea of the confidential

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STROTHER BROTHERS, DEFENDANTS, WHO SHOT WILL BYWATERS TO AVENGE SISTER'S WRONG



JAMES A. STROTHER, PHILLIP A. STROTHER

SALVADOR WILL NOT ACCEPT BONDS

Refuses Half Million Gift Made
by New York Syndicate of
North Carolina Securities.

ALDERMAN AND DENNY COMMEND

Proposed University of Rich-
mond Endorsed by Uni-
versity Presidents.

OLIVER ANGRY AT TREATMENT

Says That President Assured His
Friends That Bid Would
Be Awarded Him.

NOT SERVE ON COMMISSION

Has Spent \$40,000 in Preparation
of Bids—Will Give Statement
to the Press.

WASHINGTON, D. C., February 27.—A number of telegrams have been received at the White House today from the South, asking the President to name W. J. Oliver, whose bid for the construction of the canal was rejected, as a member of the Isthmian Canal Commission.

Secretary Taft to-night said that he did not believe that the President was considering the appointment of Mr. Oliver as a member of the commission. Mr. Oliver said that he would not accept a place on the commission if it were tendered him. When he has been officially notified that the bid of the Panama Canal Construction Company has been rejected Mr. Oliver will give out a statement for publication.

"Only last Thursday," he said to-night, "the President assured my friends that I would be given the contract, and he went as far as to say that he would be down in Panama next November, and said that he was confident that by that time we would have the work well under way."

The corporation organized by Mr. Oliver, and known as the Panama Canal Construction Company, will at once be dissolved. Mr. Oliver says that he has spent \$40,000 in the preparation of his bids and in the organizations of the canal contract, which will be given to the press.

The President had a conference at the White House this afternoon with Secretaries Taft and Root, regarding the working out of the details of the reorganization scheme for the Panama Canal work. It is understood that in addition to the changes in the commission already reported, it has been decided that Colonel Hains, U. S. A., retired, and Benjamin Harrod, civil engineer, both members of the present commission, shall retire.

Admiral Endicott, who is the only remaining member of the old commission, will be retained on the new commission as the law requires that one civil engineer of the navy shall be included in its membership.

COTTON MILL MEN WIN GOOD POINT

Get Ruling From Court Which
Puts Heavy Burden on Gov-
ernment in Penalty Cases.

GREENSBORO, N. C., February 27.—The strength of the defense in the penalty suits against the Charlotte men charged with violation of the immigration laws, developed today when attorneys argued an objection to the introduction by the government of testimony as to promises made by Thomas Costello, the State immigration agent, to the alien witnesses.

Judge Boyd sustained the objection of defendant's counsel, and held that as this is a penal action, the government must show something more than a relation of master and servant—there must be shown a conspiracy to do a wrong.

The government seeks to prove that Costello was the agent of Smith and Sargent, two of the defendants, and as such contends that his declarations would be competent as against the other defendants.

Only two or three witnesses were examined today. Counsel for the government met this afternoon to consider a new line of action.

EXCHANGE ELIMINATES CERTAIN LOW GRADES

NEW YORK, February 27.—The cotton exchange today instructed its board of managers to draw up a resolution which will eliminate several grades of cotton from deliveries on contract. The grades proposed to be eliminated are strict low middling, stained, low middling tinged and good ordinary white. The exchange will meet again to act on the resolution.

MRS. BYWATERS' PITIFUL TALE OF SUFFERING

Recital of Agony of Body
and Mind Powerful
Testimony.

COMES TO COURT IN WHEEL CHAIR

Mrs. Gaines, Her Sister, Stands
by Her Throughout Terrible
Ordeal—Accused Young
Men Go on Stand
To-Day in Own
Defense.

BY WALTER EDWARD HARRIS.

CULPEPER, VA., February 27.—Mrs. Viola Bywaters told to the jury today the story which counsel for the defense of her brothers, James and Philip Strother, rely upon to acquit their clients of crime in slaying William F. Bywaters, her husband of an hour. For an hour and a half she detailed the story of her shame, of her efforts to conceal it, of her pleading for the life of the man she had loved too well, of the indignant wrath of her guardian brothers, of the wild dash which her bridegroom made to escape from the room in which she was lying in the shadow of death, the result of efforts to destroy the evidence of his duplicity and her dishonor.

Her story ended before the shots were fired that laid dashing Will Bywaters cold in death within a few feet of his swooning bride, or oblivion came to Mrs. Bywaters when her husband sprung from her bedside, dragging her, whose arms were about him, to her feet, while he rushed toward the stairs, only to be forced back to meet the deadly hail of bullets that fell upon him as he reached the porch through the open window. It was not until the next day, she said, that her mind cleared.

Sad and Pitiful Story Full of Deep Meaning.

A sad story, a shameful story, a pitiful story, a story full of details upon the printed page; yet a story with a moral at the end of every chapter. A great crowd gathered about the closed doors of the courthouse, eager to gain insight into the story of the unfortunate woman who told the tale of her wrongs and of the tragedy they produced; but Judge Harrison sternly ordered that only those connected with the case in an official capacity and members of the two families be allowed to enter.

Those who listened were not impressed by any feature of the story so much as the simplicity of the tale of the downward fall of a true and a young man, the pit which he dug for himself when he yielded to temptation.

George Hunt Strother, brother of the defendants, told his and their story this afternoon. It was a manly, straight story, told in a true and a young man, the pit which he dug for himself when he yielded to temptation.

The third and last witness of the day was William F. Bywaters, sister of the defendants, who described every vital circumstance of the defense side of the case, save those connected with the visits to Washington and the criminal operations performed there.

It would be difficult to convey a clear picture of the testimony of Mrs. Bywaters. She knows that which she knows, and she can tell it at a rate which is the despair of stenographers.

Was Bywaters Really Trying to Desert Her?

Although the prosecution has rested its case and three of the most important witnesses of the defense have given their testimony, thus far there have been no surprises, and little developed with which the public was not familiar. The friends of the defendants claim that it has not yet been shown conclusively that he was trying to desert his wife when he was killed by her brothers. That is the sole question in the case. The judge will not so instruct the jury, but it is believed that is the question which they will decide whether James and Philip Strother shall suffer punishment or go forth free men.

It seems to have been established beyond reasonable doubt that the Strother brothers believed Bywaters was trying to desert his wife when they killed him. It has not yet been established with much clearness that Bywaters was trying to leave the house with the intention of never returning.

It is understood that the friends of Bywaters are particularly interested in having demonstrated that the marriage was in good faith, and that the effort to leave the house was not one to desert his wife.

That is said to explain their action in employing Captain Woods to assist the prosecution.

The two defendants will go on the stand to-day. Their story may go far toward relieving the crowd when court opened a few minutes before 9 o'clock this morning, the number of spectators being less than half as great as on former days of the trial. The jury came in at 9:30, but a few minutes later Deputy Sheriff Howerd announced that Justice Harrison had said the jury room could walk out and get some fresh air, and the twelve, headed by the deputy,

Juror Bushong Taken Sick During the Night.

The order of the court yesterday afternoon, clearing the court-room of spectators for to-day, probably had not been obeyed when the jury room opened a few minutes before 9 o'clock this morning, the number of spectators being less than half as great as on former days of the trial. The jury came in at 9:30, but a few minutes later Deputy Sheriff Howerd announced that Justice Harrison had said the jury room could walk out and get some fresh air, and the twelve, headed by the deputy,